

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

No. 17 BK 4780-LTS
(Jointly Administered)

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

Plaintiff,

v.

HON. PEDRO PIERLUISI, in his official capacity as
Governor of Puerto Rico

Adv. Proc. No. 24-00062 in 17
BK 3283-LTS

Defendants.

**URGENT JOINT MOTION FOR AN
ORDER SETTING EXPEDITED BRIEFING SCHEDULE**

To the Honorable United States District Judge Laura Taylor Swain and the Honorable
United States Magistrate Judge Judith Gail Dein:

Plaintiff the Financial Oversight and Management Board for Puerto Rico (the “Oversight
Board”) and Defendant the Honorable Pedro R. Pierluisi (the “Governor” or “Defendant”, and
together with the Oversight Board, the “Parties”), respectfully submit this Urgent Joint Motion for an
Order Setting an Expedited Briefing Schedule (the “Urgent Motion”) in connection with Adversary
Proceeding No. 24-00062 (the “Adversary Proceeding”). In support of this Urgent Motion, the Parties
respectfully state as follows:

BACKGROUND

1. On January 10, 2024, the Governor signed Senate Bill 1064 into law as Act 10-2024 (“Act 10”).

2. On July 26, 2024, the Oversight Board filed a complaint seeking, among other things, an order nullifying Act 10 (the “Complaint”).

3. The Oversight Board and Defendant have conferred and agreed to the proposed schedule for this adversary proceeding. Accordingly, the Parties respectfully submit this Urgent Motion seeking entry of the schedule set forth in the proposed order attached hereto as **Exhibit A** (the “Proposed Order”).

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to PROMESA §§ 106(a), 306(a)(2) and 306(b) and 28 U.S.C. § 1331.

5. This Court has personal jurisdiction over Defendant pursuant to PROMESA § 306(c) and because the Governor is an officer of the Government of Puerto Rico; who is located in Puerto Rico; and has performed acts in Puerto Rico giving rise to the claims in this action.

6. Venue is proper in this District pursuant to PROMESA §§ 106(a) and 307. Venue is also proper in this District pursuant to 28 U.S.C. § 1391 because the Defendant resides in the District and because a substantial part of the events or omissions giving rise to the action occurred in the District.

RELIEF REQUESTED

7. The Parties respectfully request the Court enter the following expedited schedule,

as set forth in the Proposed Order, for (i) Defendant to respond to the Complaint, (ii) the Oversight Board to respond to any motion to dismiss filed by Defendant; and (iii) the Parties to file summary judgment motions on some or all of the claims in the Complaint:

- a. Defendant's motion to dismiss, if any, shall be filed and served by August 16, 2024 at 11:59 p.m. (Atlantic Standard Time).
- b. If Defendant files a motion to dismiss the Complaint, the Oversight Board shall file any opposition papers by September 9, 2024 at 11:59 p.m. (Atlantic Standard Time), and Defendant shall file any reply papers by September 23, 2024 at 11:59 p.m. (Atlantic Standard Time).
- c. If the Defendant does not file a motion to dismiss, Defendant's answer to the Complaint shall be filed and served by September 11, 2024, at 11:59 p.m. (Atlantic Standard Time).
- d. Any party may move for summary judgment by September 25, 2024 at 11:59 p.m. (Atlantic Standard Time), any party opposing the motion shall file any opposition papers by October 23, 2024 at 11:59 p.m. (Atlantic Standard Time), and the moving party's reply papers shall be filed by November 13, 2024 at 11:59 p.m. (Atlantic Standard Time).

8. The Parties also respectfully request that the Court set a deadline requiring any motions for intervention to be filed by September 4, 2024 at 11:59 p.m. (Atlantic Standard Time).

CERTIFICATION IN COMPLIANCE WITH LOCAL RULE 9013-1 AND THE NINETEENTH AMENDED CASE MANAGEMENT PROCEDURES

9. Pursuant to Local Rule 9013-1 and ¶ I.H of the Case Management Procedures, the Parties hereby certify that they have carefully examined the matter and concluded there is a true need for expedited consideration of this Urgent Motion; they have not created the urgency through any lack of due diligence; they have made a bona fide effort to resolve the matter without a hearing;

and they have made reasonable, good faith communications in an effort to resolve or narrow the issues addressed in the Urgent Motion prior to filing.

NO PRIOR REQUEST

10. No previous request for relief requesting herein has been made to this or any other court.

WHEREFORE the Parties respectfully request that the Court approve the proposed schedule as set forth above, issue an order substantially in the form attached hereto as **Exhibit A**, and grant any and all other relief that is just and proper.

[Reminder of Page Intentionally Left Blank]

Dated: August 13, 2024
San Juan, Puerto Rico

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Attorneys for the Financial Oversight and Management Board for Puerto Rico in its own right and as representative of the Puerto Rico Electric Power Authority

Exhibit A

(Proposed Order)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

No. 17 BK 4780-LTS
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THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

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HON. PEDRO PIERLUISI, in his official capacity as
Governor of Puerto Rico

Defendant.

Adv. Proc. No. 24-00062 in 17
BK 4780-LTS

[PROPOSED] ORDER SETTING EXPEDITED SCHEDULE

Upon consideration of the *Urgent Joint Motion for Order Setting Expedited Briefing Schedule* (the “Urgent Motion”), filed on August 8, 2024 by Plaintiff the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) and Defendant the Honorable Pedro R. Pierluisi (the “Governor” or “Defendant”, and together with the Oversight Board, the “Parties”), and it appearing (i) the Court has subject matter jurisdiction over this Urgent Motion pursuant to PROMESA §§ 106(a), 306(a)(2) and 306(b) and 28 U.S.C. § 1331; (ii) venue of this proceeding and the Urgent Motion is proper under 28 U.S.C. § 1391(b) and 48 U.S.C. § 2167(a);

(iii) notice of the Urgent Motion was adequate and proper under the circumstances and no further or other notice need be given; and after due deliberation and sufficient cause appearing therefor, it is hereby **ORDERED** that:

1. The Urgent Motion is GRANTED as set forth herein.
2. Defendant's motion to dismiss, if any, shall be filed and served by August 16, 2024 at 11:59 p.m. (Atlantic Standard Time).
3. If Defendant files a motion to dismiss, the Oversight Board shall file any opposition papers by September 9, 2024 at 11:59 p.m. (Atlantic Standard Time), and Defendant shall file any reply papers by September 23, 2024 at 11:59 p.m. (Atlantic Standard Time).
4. If the Defendant does not file a motion to dismiss, Defendant's answer to the Complaint shall be filed and served by September 11, 2024, at 11:59 p.m. (Atlantic Standard Time).
5. Any party may file a motion for summary judgment by September 25, 2024 at 11:59 p.m. (Atlantic Standard Time), any party opposing the motion shall file any opposition papers by October 23, 2024 at 11:59 p.m. (Atlantic Standard Time), and the moving party's reply papers shall be filed November 13, 2024 at 11:59 p.m. (Atlantic Standard Time).
6. Any motion to intervene shall be filed no later than September 4, 2024 at 11:59 p.m. (Atlantic Standard Time).
7. The Court shall retain jurisdiction to hear and determine all matters arising from

implementation of this Order.

Dated:

SO ORDERED:

Honorable Laura Taylor Swain
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Miguel E. Gierbolini
Miguel E. Gierbolini